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REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. Claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28 and 30-34 are actively pending in the case. Reconsideration of the claim is respectfully requested.

Claims 3-5, 7-8, 10, 14-20, 23-25, 27-28 and 30-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (6,125,352) in view of Kinjo (6,590,671). Applicants respectfully traverse the rejections.

As admitted by the Office Action, Franklin fails to disclose said server providing access to said electronic photographic images stored in said picture memory by said photographer and customers of said photographer, said ordering interface further providing access to an image profiler only by said photographer and/or host of said event adapted to sequence and-caption said stored electronic photographic images for display to said customers of said photographer.

Kinjo fails to remedy the deficiencies of Franklin. Applicants respectfully assert that the rejection is improper since Kinjo cannot be applied under 35 U.S.C. § 103(a). Applicants' application was filed in the United States on April 14, 2000, having a priority date of October 16, 1997 to Provisional Application No. 60/062,075 ('075). Applicants submit that the claims in Applicants' continuing application have an effective filing date of October 16, 1997 because the claims are supported by the disclosure in the earlier Provisional application (60/062,075). The Kinjo reference, on the other hand, has a US filing date of May 18, 2000, having a priority date of March 24, 1998. Therefore, the Kinjo reference is not available as a reference under 35 U.S.C. § 103(a). More specifically, Applicants' Provisional Application discloses at least a computer method for storing and saving electronic photographic images as required by Applicants' independent claims. *See at least* '075 page 7, Exhibit 1 and Fig. 1. The Provisional Application ('075) further discloses providing access to a server having picture memory adapted to store said electronic photographic images obtained by a photographer at an event (*See at least* '075 page 1, Fig. 1 and page 2: "Adding photographs to the system"), an ordering interface and a communication link for allowing communication over a public network (*See at*

*least* '075 pages 5-6: "Fulfilling print and merchandise orders," Fig. 1 and Exhibit 19), said server providing access to said electronic photographic images stored in said picture memory by said photographer and customers of said photographer (*See at least* '075 page 10; Exhibits 12-15 and Fig. 1), said ordering interface further providing access to an image profiler only by said photographer and/or host of said event adapted to sequence and caption said stored electronic photographic images for display to said customers of said photographer. *See at least* '075 page 1, Exhibit 20-29.

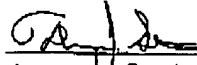
Further, '075 discloses that said server is adapted to transact remote payment information with respect to a financial institution for verifying payment of an order placed by said customers of said photographer through said ordering interface (*See at least* '075 page 1, page 5: "Fulfilling print and merchandise orders," Fig. 1; and Exhibits 12-15), and wherein said ordering interface is operable to be remotely accessed by said customer of said photographer over said public network using a browser for the purpose of ordering an image product with respect to said stored electronic photographic images. *See at least* '075 page 1, page 5: "Fulfilling print and merchandise orders," Fig. 1, and Exhibits 12-15, 19.

Therefore, in view of the above remarks, Applicants' independent claims are patentable over the cited references. Because claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28 and 30-31 depend from claim 32, and include the features recited in the independent claim, Applicants respectfully submit that claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28 and 30-31 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.